

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RUSSELL L. O'BRIEN,	)	
	)	CASE NO. C13-2059-TSZ-MAT
Plaintiff,	)	
	)	
v.	)	
	)	ORDER DENYING PLAINTIFF'S
COMMANDER G. KARLSSON, <i>et al.</i> ,	)	SECOND MOTION FOR
	)	APPOINTMENT OF COUNSEL
Defendants.	)	
_____	)	

This matter comes before the Court on plaintiff's second motion for appointment of counsel. The Court, having reviewed plaintiff's motion, and the balance of the record, hereby finds and ORDERS as follows:

(1) Plaintiff's second motion for appointment of counsel (Dkt. 20) is DENIED. As plaintiff was previously advised, there is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th

01 Cir. 1980).

02 Plaintiff has not, at this juncture, demonstrated a likelihood of success on the merits  
03 nor shown that, in light of the complexity of the legal issues involved, he is unable to articulate  
04 his claims *pro se*. Thus, plaintiff has not demonstrated that this case involves exceptional  
05 circumstances which warrant appointment of counsel at the present time.

06 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
07 defendants, and to the Honorable Thomas S. Zilly.

08 DATED this 6th day of June, 2014.

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11 Mary Alice Theiler  
12 Chief United States Magistrate Judge  
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